

ORDINANCE NO. R- 2015-15

TAX CODE(S) 82-06-30-020-077.008-029

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, STATE OF INDIANA, MORE COMMONLY KNOWN AS 521 SE 2ND ST.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

UPPER END 75x75 PT LOT 61

by changing the zoning classification of the above-described real estate from R3 to C2, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana on _____ at Instrument No.: _____. No improvement location permits shall be issued unless the proposed use is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this ____ day of _____, 20 ____.

ATTEST:

President

City Clerk

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said City, the _____ day of _____, 20 ____.

City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this _____ day of _____, 20 ____, at _____ o'clock

Mayor of the City of Evansville, Indiana

THIS INSTRUMENT PREPARED BY: SEAN A. LITTLE

FILED

MAY 11 2015

Jana Widness
CITY CLERK

USE AND DEVELOPMENT COMMITMENT

WHEREAS the Undersigned, WILLIAM + RUTH FOSSE Petitioner, is the owner of certain real estate situated in the City of Evansville, Indiana, commonly described as (Address) 521 SE SECOND ST, which real estate is more particularly described as follows, to wit:

UPPER END 75x75 PT LOT 61

WHEREAS, as the real estate is currently classified as a(n) R-3 Zoning district under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville-Vanderburgh County Area Plan Commission; and

WHEREAS, Petitioner has requested that the Real Estate be reclassified to zoning district C-2; and

WHEREAS, Petitioner is desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-613;

NOW, THEREFORE, in consideration of the foregoing, petitioner makes the following use and development commitment:

1. Use of the Real Estate shall be limited to the following:

MAINTAIN HISTORIC CHARACTER OF THE HOUSE
IN LINE WITH THE EVANSVILLE HISTORIC
PRESERVATION COMMISSION "GUIDELINES."

2. All commitments and undertakings herein expressed shall be binding on the petitioners and the petitioners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in I.C. 36-7-4-613, 36-7-4-1013, and 36-7-4-1014. If it is necessary to initiate administrative or judicial

proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 11 day of MAY, 2015 by William + Ruth Fosse for the purpose set forth herein.

William J. Fosse
Ruth Fosse
 Signature

STATE OF INDIANA)
) SS:
 COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named William + Ruth Fosse who acknowledged the execution of the foregoing Use and Development Commitment to be his free voluntary act and deed.

WITNESS my hand and Notarial Seal this 11th day of May, 2015.

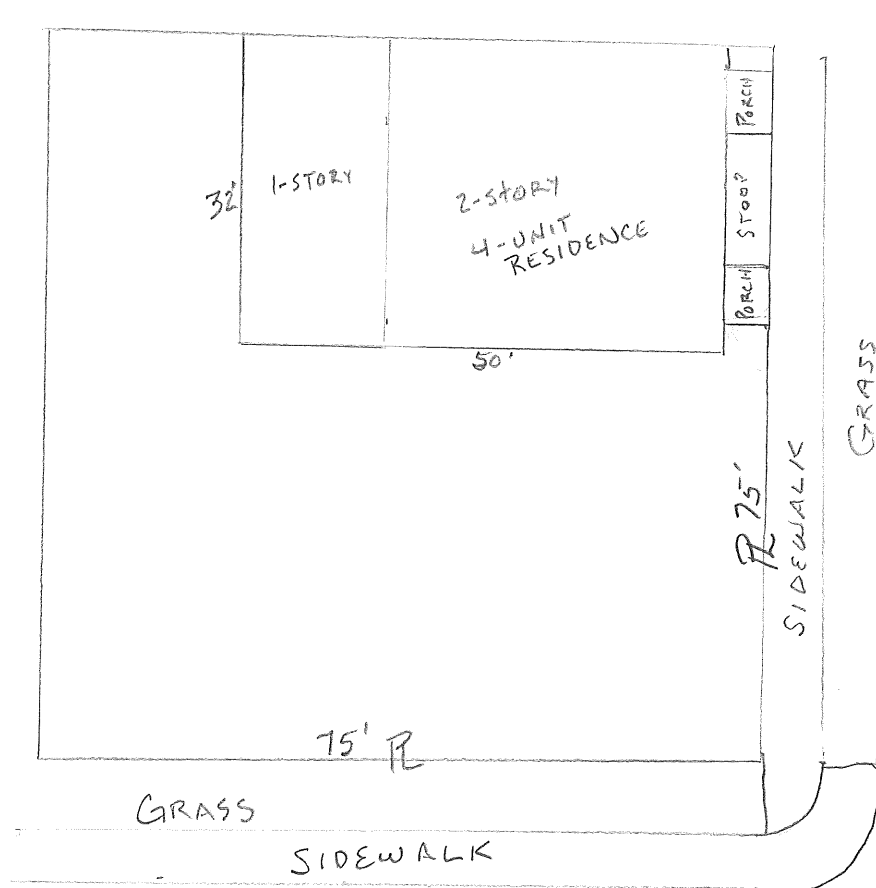
Donna M. Holderfield
 NOTARY PUBLIC

A resident of Vanderburgh County, Indiana.

My commission expires: Oct. 27, 2025



This instrument prepared by: (Name) SEAN A. LITTLE
 (Address) 115 CHERRY ST. APT. B EVANSVILLE IN 47713
 (Phone) 812. 598. 8543



CONST IN 1859

2015 - 18 -PCORDINANCE NO. R- 2015-15COUNCIL DISTRICT: WARD 4 ROBINSON

PETITIONER SEAN A LITTLE PHONE 812 598 8593
 ADDRESS 115 CHERRY ST. APT. B ZIP CODE 47713
 OWNER OF RECORD WILLIAM FOSSE PHONE 812 598 2273
 ADDRESS 225 OAK ST. ZIP CODE 47713


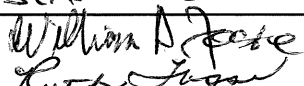
1. Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
2. Premises affected are on the W side of 2ND ST. a distance of Ø feet N (N.S.E.W.) of the corner formed by the intersection of MULBERRY ST. and SE 2ND ST.
 Registered Neighborhood Association (if applicable) RIVERSIDE

LEGAL DESCRIPTION:

SUBDIVISION UPPER ENL BLOCK LOT NO. 75x75 PT LOT 61
 (where applicable - if not in a subdivision, insert legal here or attach to ordinance)

3. The commonly known address is 521 SE 2ND ST
 4. The real estate is located in the Zone District designated as R3
 5. The requested change is to (Zone District) C2
 6. Present existing land use is FOUR UNIT APT.
 7. The proposed land use is (2) LIGHT COMMERCIAL, (2) RESIDENTIAL UNITS
 8. Utilities provided: (check all that apply)
 City Water ✓ Electric ✓ Gas ✓ Storm Sewer ✓
 Sewer: Private Public ✓ Septic
 9. All attachments are adopted by reference.
 10. The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 5/11/15 PETITIONER 
 (when signed) PRINTED NAME SEAN A. LITTLE
 DATE 5-11-15 OWNER OF RECORD 
 (when signed) PRINTED NAME WILLIAM D. FOSSE
RUTH FOSSE

REPRESENTATIVE FOR PETITIONER NAME
 (Optional) ADDRESS/ZIP
 PHONE

FILED

MAY 11 2015

Anna Windham
 CITY CLERK

CO-2

CHERRY

C-2

FOURTH

R-5

C-4

SECOND

REZONE FROM
R-3 TO C-2 WITH A USE
AND DEVELOPMENT COMMITMENT

MULBERRY

C-1

THIRD

R-3

R-4

CHANDLER

FIRST

